

**REISSUE****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Leonard H. Bieman

Serial No.: 09/111,978

Docket: 139.045USR

Filed: July 8, 1998

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION**SUPPLEMENTAL DECLARATION OF INVENTOR**BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231#13/ Suppl.
Decl.
marsha
11/17/00

I, Leonard H. Bieman, hereby declare as follows:

1. I am a citizen of the United States, whose residence and post office address is:
3390 Harbours Blvd.
Waterford, MI 48328, USA.
2. I believe that I am the original, first, and sole inventor of the invention disclosed and claimed in U.S. Patent No. 5,646,733, issued on July 8, 1997, entitled "SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION," and described and claimed in the accompanying application for which I solicit a reissue patent.
3. I have reviewed and understand the contents of the specification and claims of the reissue application, as amended by the Preliminary Amendment filed on July 8, 1998.
4. I do not believe that the invention set forth herein was ever known or used in the United States before the invention thereof by me.
5. I acknowledge the duty to disclose all information known to me which is material to the examination to the reissue application in accordance with 37 C.F.R. § 1.56(a).
6. After reading the opinion of outside patent counsel, I believe the above-identified patent is partially inoperative by reason of claiming less than I, the inventor, had a right to claim in the patent. Such inoperativeness includes particularly the failure to prosecute and obtain claims commensurate with the scope of new claims 28-85 filed in the reissue application.

DECLARATION OF INVENTOR

Application for Reissue of U.S. Patent No. 5,646,733 (Serial No. 08/593,095)

Docket: 139.045USR

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

7. More particularly, I declare that I believe the claims of the patent were determined to be insufficient to protect the invention disclosed in the specification during a review of the 5,646,733 patent by Charles A. Lemaire, outside patent counsel for PPT Vision, Inc. being the assignee of the present invention, beginning in approximately September 1997 a part of an investigation of the patent prior to a license and later purchase of the patent from the original assignee, Medar, Inc., and culminating in the reissue application.
8. U.S. application Serial No. 08/593,095 was filed on January 29, 1996 with twenty-seven claims. The claims were originally rejected under 35 U.S.C. § 103 over Kuchel (5,135,308) in view of Bullock et al. (5,488,478) in a first Office Action mailed 8/13/96.
9. The claims 1 and 14 of U.S. application Serial No. 08/593,095 were amended in an Amendment and Response filed November 12, 1996. The amendment was entered accordingly and the claims as amended issued (some renumbered) as claims 1-27 in U.S. Patent No. 5,646,733.
10. After reading the opinion of outside patent counsel, I now believe that other patentably distinct independent claims are possible for claiming aspects of the invention. The existing independent claims 1 and 14 contain limitations or features which, if eliminated, result in patentably distinct claims. In particular, the requirement of moving at a substantially constant velocity and having substantially uniformly spaced detector elements are unnecessarily limiting and can be deleted without adding new matter.
11. New claim 30 is an independent claim and has eliminated the above-noted limitations present in claim 1, but contains other limitations that make it narrower than the original claim 1. New claim 42 is an independent claim and has eliminated the above-noted limitation present in claim 14, but contains other limitations that make it narrower than the original claim 1. Thus these claims avoid the prohibition against recapture of the same or broader scope of cancelled claims (*Ball Corp. v. United States*, 221 USPQ 289,295 (CAFC 1984)).

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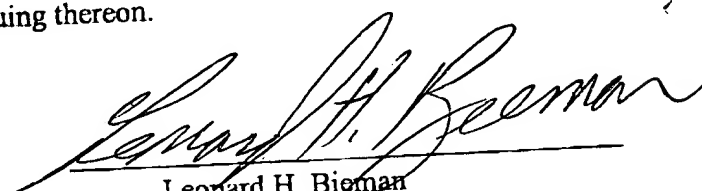
DECLARATION OF INVENTOR

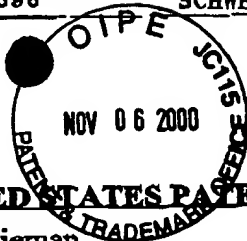
Application for Reissue of U.S. Patent No. 5,646,733 (Serial No. 08/593,095)

Docket: 139.045USR

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

12. On information and belief, I further declare that the reasons which render U.S. Patent No. 5,646,733 partially inoperative, and all errors being corrected in the reissue application up to the time of the filing of the oath or declaration, arose without any fraudulent or deceptive intention on my part, and, as the reissue applicant, upon being informed of the significance of the foregoing facts, I concur in the filing of the reissue application by the assignee.
13. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated: Oct. 23, 2000
Leonard H. Bieman
Residence: 3390 Harbours Blvd.
Waterford, MI 48328
Citizenship: U.S.A.



S/N 09/111,978

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard H. Bieman

Examiner: Hoa Q. Pham

Serial No.: 09/111,978

Group Art Unit: 2877

Filed: July 8, 1998

Docket: 139.045USR

**Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION**

STATEMENT UNDER 37 CFR 3.73(b)

**Commissioner for Patents
Washington, D.C. 20231**

Applicant: PPT Vision, Inc.

Serial No.: 09/111,978

Filed: July 8, 1998

**Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION**

PPT Vision, Inc. hereby certifies that it is the assignee of the entire right, title, and interest in U.S. Application No. 09/111,978 identified above by virtue of the following:

1. An assignment of U.S. Application Serial No. 593,095 filed January 29, 1996 (now U.S. Patent No. 5,646,733) from the inventor, Leonard H. Bieman, to Medar, Inc., recorded in the U.S. Patent and Trademark Office on January 29, 1996, at Reel 007857, Frame 0746; and
2. An assignment of said application and patent from Medar, Inc. to PPT Vision, Inc., recorded in the U.S. Patent and Trademark Office on June 30, 1998, at Reel 009279, Frame 0276.

To the best of my knowledge and belief, title is in the assignee, PPT Vision, Inc.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I am empowered to sign this certificate on behalf of the assignee, PPT Vision, Inc.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to true.

Date: October 27, 2000

Joseph C. Christenson
Signature

Joseph C. Christenson
Typed or Printed Name

PRESIDENT
Title

ASSIGNMENT

THE ASSIGNOR, MEDAR, INC., is the owner of a new and useful invention known as the Scanning Phase Measurement Method and System for an Object at a Vision Station, which is fully described in United States Patent No. 5,646,733; and

THE ASSIGNEE, PPT VISION, INC., a Minnesota corporation, having its principal place of business at 1-321 West 70th Street, Eden Prairie, Minnesota wishes to acquire the entire right, title and interest in and to the invention and the patent for this invention.

FOR VALUABLE AND LEGALLY SUFFICIENT CONSIDERATIONS, RECEIPT OF WHICH ARE HEREBY ACKNOWLEDGED, the Assignor sells, assigns and transfers to Assignee, its successors and assigns, the entire right, title and interest for the United States in and to the above-identified invention and for the full term the Letters Patent of the United States for the invention.

The Assignor also sells, assigns, and transfers to Assignee Assignor's entire right, title and interest in and to the invention and applications for Letters Patent and Letters Patent therefor in all countries foreign to the United States, including all rights under the International Convention. The Assignor further authorizes Assignee to apply for Letters Patent in foreign countries in the name of Assignee, and to claim the priority of the filing date of the United States Application under the provisions of the International Convention.

The Assignor further agrees, for itself and its legal representatives, to assist Assignee in the prosecution before the United States Patent Office and the Federal Courts of any matters relating to the Invention and the Patent and other applications for Letters Patent, including renewals, continuations, divisions, reissues, and substitutions, that the Assignee elects to make covering the invention. The Assignor vests in Assignee like exclusive title in and to all other such applications and Letters Patent. The Assignor will execute and deliver to Assignee any documents which may be requested by Assignee to carry out the terms of this Assignment.

The Commissioner of Patents of the United States is authorized and requested to recognize Assignee as the owner of United States Patent No. 5,646,733. The Assignor also authorizes and requests the equivalent authorities in foreign countries to issue the Patents of foreign countries to Assignee as requested.

MEDAR, INC.

By: Charles J. Diab
Its: CEO
38700 Grand River Avenue
Farmington Hills MI

STATE OF MICHIGAN

COUNTY OF Oakland ss.

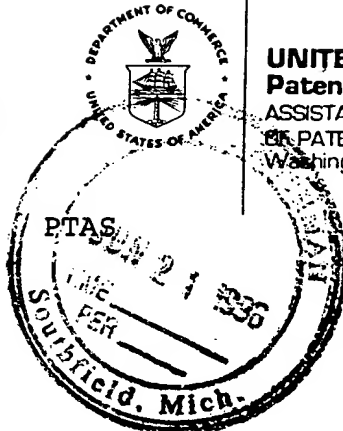
Subscribed and sworn to before me this 27 day of April, 1998.

Karen L. Reske
Notary Public

(SEAL)

Doc# 100958311

KAREN L. RESKE
NOTARY PUBLIC - OAKLAND COUNTY, MI
COMMISSION EXPIRES 07/29/00



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



100162474A

JUNE 15, 1996

DAVID R. SYROWIK
22ND FLOOR
1000 TOWN CENTER
SOUTHFIELD, MI 48075

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/29/1996

REEL/FRAME: 7857/0746
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BIEMAN, LEONARD H.

DOC DATE: 01/25/1996

ASSIGNEE:

MEDAR, INC.
38700 GRAND RIVER AVENUE
FARMINGTON HILLS, MICHIGAN 48335

SERIAL NUMBER: 08593095
PATENT NUMBER:

FILING DATE: 01/29/1996
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

1-31-92 052090

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab set 0925/96

100162474

To the Honorable Commissioner of Patents and Trademarks: Please send _____ original documents or copy thereof.

1. Name of conveying party(ies): JAN 25 1996

Leonard H. Bieman

2. Name and address of receiving party(ies):

Name: Medar, Inc.

Internal Address: _____

Street Address: 38700 Grand River AvenueFarmington Hills, MI 48335

3. Nature of conveyance:

☒

Assignment

☐

Merger

☐

Security Agreement

☐

Change of Name

☐

Other _____

Execution Date: January 25, 1996Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 1-25-1996

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached: ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David R. SyrowikInternal Address: 22nd FloorStreet Address: 1000 Town CenterCity: Southfield State: Michigan ZIP: 480756. Total number of applications and patents involved: 17. Total Fee (37 CFR 3.41)..... \$ 40.00☒

Enclosed

☐

Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David R. Syrowik

Name of Person Signing

Signature

January 29, 1996

Date

Total number of pages including cover sheet, attachments and document: 2

MEDA 0124 PUS

CMB No. 0651-00

A S S I G N M E N T

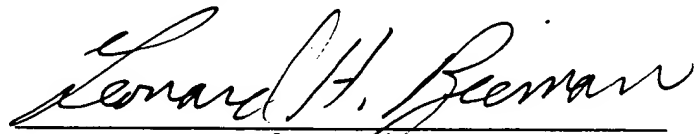
For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Leonard H. Bieman, residing at 32450 Shrewsbury, Farmington Hills, Michigan 48334, hereby assigns to MEDAR, Inc., a Michigan corporation, having a place of business at 38700 Grand River Avenue, Farmington Hills, MI 48335, its successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in

**SCANNING PHASE MEASURING METHOD AND
SYSTEM FOR AN OBJECT AT A VISION STATION**

set forth in the application for United States Letters Patent, executed by me on the 25 day of JANUARY, 1996, including the right of said ASSIGNEE, its successors, assigns or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in his own name, or in our names, at its election, and I hereby assign, sell and set over to said ASSIGNEE, its successors, assigns or other legal representatives all rights of priority in and to said inventions and discoveries in all countries.

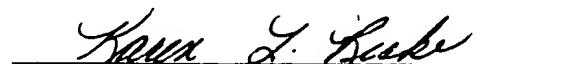
And I hereby agree for myself, my heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries, and to perform any and all acts which said ASSIGNEE, its successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.

And I hereby represent and warrant that I have not granted any rights inconsistent with the rights granted herein.


Leonard H. Bieman

STATE OF MICHIGAN)
) ss.
COUNTY OF)

On this 25 day of January, 1996, personally appeared before me Leonard H. Bieman, to be known to be the person named in and who executed the above instrument and acknowledged the same for the uses and purposes therein mentioned.


Notary Public

KAREN L. RESKE
NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 07/29/00